

UNITED STATES COURT OF APPEALS  
FOR THE  
SECOND CIRCUIT

1:21-mc-00100-AKH

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 5th day of July, two thousand and eleven,

---

Sarah Atlas, Christopher Baumann, Ruben Berrios, Donald Bigi, Enis Boyer, Eric Brzostek, Gary Cali, Thomas Callaghan, Luis Carpio, Raymond Cascio, Regina Cervantes, Thomas J. Clarke, Anthony Conti, Mitchell Coto, Joseph Cutrone, John Dadabo, Kevin Delano, John DeMartino, Jr., Kevin Doherty, Richard Estreicher, Andrew Finn, Vincent Forras, Anthony Gallo, Robert Gayer, Frank Giaramita, Steven Guise, Brian Hanberry, Jeffrey Howell, Bill Keegan, Donald Kennedy, Suzanne Lester, Patricia Lewis, Joseph Libretti, Glenn Makuch, Julio Marrero, Marc Mastros, Kenneth McCormick, Robert McGrory, Timothy McInerney, Henry Miano, Timothy Morley, Brian Murphy, Paul Murphy, Joseph Napoli, James O Keefe, Girard Owens, Edward Parker, William Piatti, Thomas Reilly, Terrence Revella, David Rivas, John Rizzi, George Samuels, Brenda Spencer, Sean Tesiero, Sean Veerapen, Kodengada Viswamithra, Charles Wilson, Katherine Zarr,

Plaintiffs - Appellants,

v.

Noah H. Kushlefsky,

Appellee,

Christopher Cirino, John Montalvo, Marion S. Mishkin, of counsel Noice of appearance to Sacks & Sacks, Phyllis Costarella, Joseph Falcone, Lenny Dinotte, Cliff Carty, Kathleen Carty, Joseph Scaramuzzino, Kelly M.

**ORDER**

Docket Number: 11-1446

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: July 06, 2011

Miller, John J. Quinn, Attorney, Kenneth J. Strohl,  
Yajaira Strohl, Arlene Montalvo, Richard Mighdoll,  
Colleen Ryan, J. Richard Ryan, Richard Ryan, Frank  
Maisano, Julie Maisano, Arthur S. Davis, Theresa A.  
Davis, Lawrence Ford, Blanca Goffredo, Frank  
Goffredo, Bernard Stinchcomb, Christine Johnson,  
Robert Johnson, Jr., David Nolan, Louise Nolan,  
Robert Panarella, Herbert Pate, Francis Lavery, Kathryn  
Lavery, Arlene McGillick, Jon J. McGillick,  
Dewardranth Samaroo, Donald Carson, Gloria Elaine  
Carson, Andrea Cavicchio, Nicola Cavicchio, Jason  
Porcaro, Robert Ayers, Diane Hoch Sankey, Patricia  
O'Brien, Dean Curti, Jessie K. Horton, Lawrence  
Horton, Kevin J. O'Brien, William J. Sankey, Jerry  
O'Connor, Victoria O'Connor, John Quinn, Donald G.  
Thompson, Renee Thompson, Daniel Leonard, Laura  
Leonard, Jo Andrusyczyn, Stanley Andrusyczyn, Hector  
Rivera, Joseph Bellissimo, Carl Fisher, Jon Marie  
Fisher, Patrick Donaghy, Susan Allison, Richard  
Allison, Juan Cubero, Rosa Cubero, Jeanne Kolarik,  
Mark Bernheimer, Arthur Alessandro, John Delaney,  
Patrick D'Alliegro, John Botte, Cynthia Shelto, Allen  
Andersen, Sue Ann Andersen, Cecelia Borcherding,  
Stephen Borcherding, Marcia Diaz, William Diaz,  
Charles La Barbera, Catherine Langerin, Philip J.  
Pfersching, Kevin Reynolds, Joseph Cardinale, Teresita  
Cayatano, Robert Intartaglia, Christopher Romanski,  
Raymond Fuscaldo, Donna Donnelly, Dorothy Foris,  
Delia Becca, Lance Becca, Gregory A. Forsyth, John  
Jackson, Tomiann Jackson, Donna Haskell, Frank  
Haskell, Christine Placide, Larrie Placide, Ann Marie  
Duignan, Patrick Duignan, Michael Macko, Jill  
Miskanic, John Miskanic, Andrea McDonough, David  
McDonough, Walter Jensen, Thomas Doherty, James  
Checco, Judy Checco, Jean Imparato, Joseph Imparato,  
Lane Metro, Nancy Metro, Kevin Farrell, Concetta  
Zuccaro, John Zuccaro, James Albach, Michael Bell,  
Shirley Bell, John Boyle, Christine Broome, Robert  
Broome, Maryann Bubelnik, Thomas J. Bubelnik, Barry  
Buss, Jeanette Buss, Anthony Devita, Laranie Devita,  
Diane Donovan, Kenneth Donovan, Danielle Eivers,  
Joseph Eivers, Gregory Forsyth, Robert Gallagher,  
Rosario Gallagher, Robert Garrett, Carol Gavitt, Joseph  
Gavitt, Francesca Gillam, Thomas Gillam, Patricia  
Hawkins, Scott Hawkins, Anna Maria Hubner, Vincent

Hubner, Barbara Kadnar, James A. Kadnar, Derek Kelly, Catherine Lang, James Lang, Caroline Lavin, Michael Lavin, Alfred Luchetti, Mary Ellen Luchetti, Frank Malone, Dennis McConville, Gail McConville, James McHugh, Margret McHugh, Kenneth Miccio, Cathy Mongiello, Kevin Mongiello, Laura Morello, Marc Morello, Matheu Mulham, Corinne Mulham, Carolyn Mundy, Thomas Mundy, Joseph Murphy, Nancy Murphy, Maureen Nogan, Richard Nogan, John Quevedo, Alfred Retundie, Carol Retundie, Alice Rivera, Vincent Rivera, Donald Striffler, Mary Jane Striffler, Robert Van Houten, Robin Van Houten, Andrea Weisenburger, Gregg Weisenburger, Michael Welsh, Theresa Welsh, George Foris, Jacqueline Cacchioli, Louie Cacchioli, Patricia Agugliaro, Anthony Agugliaro, Alfred Gaillard, Ernest Medaglia, Susan Medaglia, Lionel Payette, Michelle Payette, Ingrid Quagliariello, Vincent Quagliariello, Lois Rice, Frank Silechai, Frank Squicciarini, Michelle Squicciarini, Anthony Compono, Sheila Compono, William Favata, Michele Hardin, Robert Hardin, Jimmy Rosario, Toni Rosario, Leonard Schmitt, Virginia Schmitt, John McLees, Lenore Rauscher, Philip Rauscher, John C. Sondey, John Baiano, John Bonvicino, John Bou, Douglas Anderson, Daniel Simon, Theresa Simon, Richard Fritz, Adam J. Vilagos, Yvonne Vilagos, George Morales, Charles Piotrowski, Marguerite Piotrowski, Joseph Accetta, Sharon Accetta, Frank Gulotta, Geraldine Martin, John McArdle, Police Officer, Barbara McArdle, Barbara Melendez, Edna I. Muniz, Raul Muniz, Christine Pagliuca, Brian Madden, Maxine Madden, Joseph Pagliuca, Dennis Keane, Lisa Keane, Kenneth Peppe, Rhonda Peppe, Dino Polichetti, Detective, June Polichetti, Auying Rivera, Maureen Rodriguez, Linda Scharp, William Scharp, Heidi Scheiner, Joseph Scotti, Lisa Scotti, Steven Stefanakos, Ann Towpash, Robert Tucker, Eric Wuss, Staci Wuss, Mary DeSimone, Joseph DeSimone, Annette Mischia, Frank Mischia, Allison Poliseno, Nicholas Poliseno, Charles Rice, Jeffrey Rivera, Kenneth Rodriguez, Kevin Mongiello, Kevin Brannick, Wayne Brown, Robert Carannante, Victor Carpentier, Alan Ceserano, Michael Conlon, Phyllis Costarella, Gerald Damitz, Anthony Delbianco, Lenny Dinotte, Daniel Donovan, Roy Edwards, Nelson Garcia,

Anthony Girodano, Robert Goffredo, Rafael Gutierrez,  
Otto HAvell, III, Robert Henri, Austin C. Johnson,  
Omar Malave, John Menoni, Mickey Nardiello, Frank  
Ozello, Thomas Perry, Juan Rullan, Thomas Perry,  
Raymond Russo, George Snyder, Alexis Solomon, John  
Pankey, Rafael Garcia, individually and as  
representatives of a class of individuals similarly  
situated, John Lombardi, individually and as  
representatives of a class of individuals similarly  
situated, Hasan A. Muhammad, individually and as  
representatives of a class of individuals similarly  
situated, Roberto Ramos, Jr., individually and as  
representatives of a class of individuals similarly  
situated, Michael R. Basile, Thomas E. Carlstrom,  
Kathy O'Neill, Robert O'Neill, Telma Alvarado, Robert  
Asinelli, Susan Asinelli, Carol Barnes, James S. Barnes,  
Daniel Danzi, Gabriel Masaracchia, Sharon Danzi, John  
DiFalco, Dorothy Rohr, Nancy DiFalco, John  
Rohrbeck, Agustin Diaz, Daniel Doll, Lisa Doll, John  
Glynn, Mary Glynn, Sharon Sellick, Gary Grisolia,  
Joseph Aridzzone, Joann Grisolia, Bruce Groth, Donna  
Groth, Charles Haver, Lori Haver, Jo Ann Lavery,  
Manuel Luna, Jessica Macaluso, Daniel Mahlmann,  
Tracey L. Mahlmann, Bryan McElwain, Felicia  
McElwain, Carolyn McGuire, Robert McGuire, Jane  
McKenna, John McKenna, Joann MCMahon, John  
MCMahon, Sharon Brenseke, Steven Brenseke,  
Christine Comerford, John Comerford, Edward  
Donnelly, Linda Donnelly, James Fusco, John Mills,  
Margaret Mills, Jennifer Morales, Nicholas Morales,  
Adilline Navarro, Felix Navarro, Martin Olsen, Kumarie  
Rampersad, Sunil Rampersad, Willie Richardson,  
Donald O. Thompson, Majorie Thompson, Michael  
Clarke, Vienna Clarke, John Dadabo, Adam Lutfi,  
Elliott Miller, Nicole Lutfi, Joseph Nacarlo, Loan  
Murray, Pamela Nacarlo, Errol Rampersad, Parbatee  
Rampersad, Boroido Rivera, Jennifer Roberts,  
Desmond Loughran, Jean Vasconi, Emil Borg, Maylee  
Borg, Patrick Holahan, Susan Holahan, Emily Puppa,  
Glenn Puppa, Ursula Hubert, Michael Hurbert,  
Catherine Keir, James Keir, Cindy Mastrotta, Frank  
Mastrotta, Frank Mastrotta, George Faller, Kathleen  
Faller, Michael Crowell, Ada R. Aparicio, Robert  
Murray, Joseph Aparicio, Donald Bigi, Donna J. Bigi,  
Andrew F. Carson, Bonnie M. Carson, Lawrence

Coleman, Peggy Coleman, Christine Duval, Keith  
Duval, James Griffin, Jennifer Griffin, Celeste Haas,  
Scott Haas, Brian Hearn, Kathleen Hearn, Debra Huhn  
Hewson, Michael Hewson, Mary Ellen Lanigan,  
Michael Lynch, Tina Lynch, Michael Brigante, Steve  
Cappello, Paul Carpenteri, John Kear, Christopher  
O'Rourke, Salvatore Palmeri, Wendy Henry, Joseph  
Leahy, Sandra Leahy, Allison Edwards, William  
Edwards, Patrick Arcese, James Cooney, Samuel  
Provisero, Susan Marie Provisero, Denise Esposito,  
Robert Esposito, Doug R. Horning, James Kelly, Benito  
Berrios, Jr., Chaundolyne Mack, Debra Maggiani, Nabil  
Hussain, Michael Giganti, Josehine Damato, Michael  
Damato, Carmen Fernandez, Joseph Nolan, Police  
Officer, Lana Nolan, Mickey McFarland, Elaine Wint,  
Helen Mulcahey, Catherine Siano, Thomas Siano,  
Karen L. Simpson, William Simpson, Correction, James  
A. Howard, Elizabeth Stewart, Richard Maiorino,  
James Monahan, Police Officer, John Urso, William  
Schillinger, Kathy Slizewski, Kenneth Slizewski, Alfred  
MacDonald, Kelly Macdonald, Lori McPartland,  
Michael McPartland, Edgar Mendez, Tasha Mendez,  
Christopher O'Donnell, Stephanie O'Donnell, Ana Fox,  
Robert Fox, Donna Cirino, Martin Kelly, Shane  
Dresser, Patrick McVey, Christopher Misciagna, Ellen  
Collins, Debra Curcio, Peter Curcio, Patricia M.  
DiGiovanni, Kathleen Fullam, James Fullam, Jacqueline  
Miller, James Miller, James Mullen, Trustee, Kim  
Mullen, John Murphy, Dan Potter, Jean Potter, James  
Service, Rebecca Service, John Condon, Cynthia Vitera,  
Christopher Lavin, Dawn D'Agostino, Philip  
D'Agostino, Bozena Kajewska-Pielarz, Joesf Pielarz,  
Christine Panarella, Michael Panarella, Andrew Scallo,  
Diane Scallo, Maureen Colgan, Patrick J. Colgan, John  
R. O'Keefe, Sandra O'Keefe, Khemraj Singh, Antonio  
Martino, Nicole Martino, James Baumann, Richard  
Bittles, Cesar Bonilla, Joanne Bonilla, Daniel Gilroy,  
Maureen Gilroy, George Rodriguez, Marguerita  
Rodriguez, Thomas Callaghan, John Harkins, Police  
Officer, Kevin Kerrigan, Iris Lopez, Margaret O'Keefe,  
John Marksp, Lisa Marks, Anthony Marden, Theodore  
Sergio, Christina Marden, Kathleen Doerler, William  
Unger, Walter Bieber, Deirdre O'Donnell, Joseph  
O'Donnell, Allen Akers, Mary Akers, Betty Harrison,  
Yvonne Leon, Robert Garrett, Karen Labetti, Michael

Labetti, Carlos Perez, Suzanne Murphy, Michael Rooney, Penny Rooney, John Rohr, James Melendez, Edward Galanek, Luz Cardona, Elizabeth Connolly, James Connolly, Catherine Musto, Louis Musto, Gerald Quill, Linda Quill, Edward Scharfberg, New York City Police Officer, Marylee Scharfberg, Christine Voce, Gregory Voce, Cora Weihs, Joseph Weihs, Suzanne Worontzoff, Walter Worontzoff, Anna Zecca, George Zecca, Barbara Lopez, Manuel Lopez, Thomas Lennon, Aida Valdilezo-Nieto, Edward Learning, Victoria Learning, Hamide Cagatay, Zebebulah Cagatay, Jose Calle, Rudolph Geiger, Carolyn Bryson, Robert Mule, Charity Oberdier, Jeffrey Oberdier, Deborah Scotto, Dominick Scotto, Louis Quadrino, Sonia Quadrino, Michael J. Surianello, Frank Danetra, John Warren, Sheryl Warren, Edwin Pagan, Daniel Kemmet, Doell Kemmet, Fernando Sanchez, Sanchez Maria, Julia Valentin, William Valentin, Sophie McGill, Mary McGrory, Anthony Heitz, Ruth Marie Heitz, Peter Dalton, William English, Robert McCracken, Chief, Walter Lane, Brian Divis, Christopher Destefano, Anna Patricia Cantos, Richard Saccomagno, Charles Dell'accio, Ilkhah Dell'accio, June Dibetta, John McGill, Robert McGrory, Carl Delgado, Carolyn Cicero, Joseph Cicero, Donna O'Byrne, Michael O'Byrne, Patricia Ryan, Terrence Ryan, Ronald Brandt, Paul Caminiti, Patrick Coleman, Robert Cooke, Thomas Dowdle, Claudette Cruickshank-Davis, William Collins, Michael Kelley, Dee A. Fraley, Gerald E. Fraley, Joseph Greco, Judy Greco, James Francis, Karina A. Francis, Hector Diaz, Linda Diaz, Scott Dabreu, Michael Divirgilio, Frank Ingenito, Michael Pluchino, Robert Schuman, Jerome Willis, Hector Fernandez, Angie Febres, Christopher Hynes, Leslie Hynes, William Henderson, Maria Henderson, Maryanne Hinchy, George O'Connor, Allison Kapezack, Steven Kapezak, Mary Imbornoni, Thomas Imbornoni, Daisy Ibanez, Diomedes Ibanez, Doreen Kozak, James Knight, Roxanne Knight, Christopher Kuchler, Soojin Kuchler, Carolyn Leibowitz, Leslie Leibowitz, Anthony O'Brien, Patricia O'Brien, Terrance Frontis, Vincent Ligotti, Jay Levine, Maria O'Neill, Thomas O'Neill, Judy Chin, Tommy Chin, Deborah Lonnberg, Ronald Lonnberg, Steve Lovergne, Jerome Kazlauskas, David Andre Liferidge, Patricia Havelka, Rudolf Havelka, Antonio Silva,

Esperanza Silva, Diana Trinidad, Edictor Trinidad,  
Albert Sheppard, Patricia Sheppard, Rosemary Johnson,  
Stephen Johnson, Geraldine R. Sabatasso, Robert Ryan,  
Holly Mulhern, Richard Mulhern, Denise Sullivan,  
Jimmie Sullivan, Joseph Haddock, Zenobia Walji, Mark  
Lenigan, Jeaan Marie Whelan, Patrick Whelan, Alinda  
Durkin, John Durkin, Anthony D'Angelo, Laura  
D'Angelo, Barry Felder, Thomas Glaudino, John Faust,  
Rosemarie Faust, Charles Wassil, Patricia Wassil,  
William Luciani, Daniel Taylor, Lynn Taylor, Teresa  
Hartley, Robert Zane, Albert Pearce, Robert Suarez,  
Antonio E. Alves, plaintiff in matters 05-cv-7266 &  
05-cv-2716, Maria E. Alves, plaintiff in matters  
05-cv-7266 & 05-cv-2716, Raymond Hauber, in his  
representative capacity as executor of the Estate of  
Raymond Hauber, now deceased, Christine Stinchcomb,  
Lisa Reynolds, John Tiska, Lorraine Dadabo, Todd  
Lum, David Zephrine, Josephine Zephrine, Debra  
Hutchinson, Don Hutchinson, Michael Hughes,  
Christine Hutchinson, Robert Hutchinson, Martin  
Zollner, Imie Zollner, William Mulcahey, Ann Hock,  
Joseph Hock, James Howard, Elizabeth Stewart,  
Herbert Stewart, Anna Fittipaldi, Tyrone Lott, John  
Lonnborg, Susan Woods, Dominick Rutigliano, Joelle  
Rutigliano, Ann Marie Schilling, Chalres Schilling,  
Linda Solis, Lucio Solis, Louise McNiece, Patrick  
McNiece, Frank Farrugia, Karen Farrugia, Frank  
Farrugia, Kathleen Tracy, Peter Tracy, Richard  
Passeretti, Richard Maoiorino, Gary Tolesp, Karline  
Toles, Daniel Magrino, Virginia McGill, Keith McGill,  
Christopher Murphy, Gary Mangiapia, Paul Mazzilli,  
James Monahan, Police Officer, Stephanie Urso, Mary  
Anne Schillinger, William Schillinger, Lori McParland,  
Michael McParland, Darren Brindisi, Alviri Foster,  
Pamela Gauci, Hugh Bradshaw, Christopher Greeff,  
John Capenito, Kevin Capenito, Alisa Columbia, Chris  
Columbia, Pete Franzone, Anita Cozza, John Cozza,  
Luz Botero, Carolyn Cuneo, Cory Cuneo, Daniel  
Conroy, Suzanne Conroy, Tyrell Anderson, Dominic  
Bonomonte, Maria Asencio, Luigi Cuffari, Sharon  
Cuffari, Annabel Baratta, Michael Baratta, Roy  
Barefield, Sybel Barefield, Christine Cunningham,  
Michael Cunningham, Patricia Bullen, Thomas Bullen,  
Christine Corbett, Patrick F. Corbett, Annette Leary,  
Santy Bermudez, Bridget Cacavio, Thomas Cacavio,

Joseph Cowell, Ralph Fragapane, Vera Fragapane,  
Holly Andersen, Jason Andersen, Gail Corrao, Louis  
Corrao, Michael Gugielmo, Philomeni Gugielmo, Krista  
Desimone, Brian Glacken, Maria Cinquemani, Victor  
Cinquemani, Anthony Giorando, Marisa Giorando,  
Gerard Gavin, Mary Gavin, Denise Donato, Greg  
Donato, Maria Criollo, Jose Criollo, Louis Buglione,  
Winifred Buglione, Louis Gyuris, Nicholas Boscaino,  
Christine Carver, Thomas Carver, Richard Blasi,  
Thomas Cooke, Cynthia Cooke, John Antoniades,  
Anthony Cummo, Christine Cummo, De'Andre Berry,  
Renee Berry, Ann Cangemie, Emanuel Cangemie,  
Darren C. Harkins, Robert Castorena, Lorenzo  
Arellano, Tricia Arellano, Carolyn Bavaro, Anthony  
Franzolin, Daniel Fernandez, Susan Fernandez, David  
Pope, Michael Knox, Peter Franzi, James W. Brereton,  
Sandra Brereton, Leslie Fleming, Robert Fleming, Ann  
Betro, Louis Betro, Aaron Edelman, R. Delia Mannix,  
Richard Mannix, Beverly Hovell, Richard Hovell,  
Charles Maxwell, Debbi Maxwell, Cristine Papasodero,  
Vincent Papasodero, Brian McGreever, Ileana  
McGreever, Michael Stacey, Stephanie Stacey, Kevin  
Martz, Anthony Valletta, Alma I. McCahey, Richard  
McCahey, Dianne Masino, Louis Masino, Michael  
Kendrick, Dawn Kirchner, Ronald Kirchner, Dale Pizzo,  
Frank Pizzo, Jenniffer Schojan, Peter Schojan,  
Donna-Marie Gullo, Karin Fox-Taitt, Patricia DeJesus,  
Andre Escalera, Donna Stacey, Louis Stacey, Elisabeth  
Mancini, Ron Mancini, Enrique Cruz, Gladys Cruz, Jose  
Medina, John Lynott, Patricia Lynott, Mike Melillo,  
Susan Melillo, Erasmo Maddalena, Carolyn Riegert,  
Russell Riegert, Kerry Smith, Frank Salamone, Jodie  
Salamone, Ilyes H. Ruiz, David Ruiz, Eileen Moran,  
James Moran, Catherine Petrella, Michelle Oetting,  
William Oetting, Silvia Castillo, Richard Sere, Dennis  
Healy, Brian Hughes, Kerry Hughes, Anthony Serevino,  
Lizette Carvajal, Richard Harris, Patricia Mullaney,  
Regis Mullaney, Flora Priolo, Frank Priolo, Gary  
Walters, Star Walters, Irene O'Donnell, Charles  
Langone, Janet Langone, Cheri Rontondi, Mark  
Rontondi, Elizabeth Ryan, William Ryan, Peter  
Mladinich, Loretta Mendez, Roy Mendez, Delia  
Lopez-Stull, Edward Lopez-Stull, Albert Munro, Sandy  
Munro, Sandra Nemeh, Steven Nemeh, Dara Moore,  
Francis Moore, Stanislav Salomov, Vera Shalomov,

Carmen Quinones, Raphael Quinones, Debra A.  
Boswell, Robert Boswell, Robert Melendez, Sarita  
Melendez, Luigi Bruschi, Maria Bruschi, Arlene Feola,  
Gerald Feola, Dominick Capuano, Megan Capuano,  
Julie Bruno, Thomas Bruno, Alexander Darmiento,  
Jessica Darmiento, Donnamarie Nolan, James Nolan,  
Jennyfer Nagle, John Nagle, Denise Rushmore, Russel  
Rushmore, Evelyn Ruiz, Juan Ruiz, Andrea Bowles,  
Donald Bowles, Lamont Daniel, Susan Daniels, Jean  
Doherty, Kevin Doherty, Julie Camarda, Thomas  
Camarda, Elizabeth Dwyer, Patrick Dwyer, Michael  
McDaniel, Sharon McDaniel, Thomas Cruz, Elaine  
Buirkle, Joseph Buirkle, Kathleen Gannon, Richard  
Gannon, Lorraine Burke, Marie Neuman, Raymond  
Neuman, Mariana Ortega, Segundo Ortega, Carmen  
Ruiz, Edward Irving, Eileen T. Irving, Nancy Regan,  
Thomas Regan, Antonio Andreotti, Ralph Andreotti,  
Chris LaFrancesca, Marie LaFrancesca, Bunilda Litwin,  
Stuart Litwin, Diane Parrett, Kevin Parrett, George  
Henges, Nidal Henges, Al Laner, Linda Laner, James  
Parmiter, Laurie Parmiter, Joseph Palacino, Rose  
Palacino, Amadeo Pulley, Gina Pulley, Charles Murphy,  
Joanne Murphy, Christian Sollecito, Elizabeth Sollecito,  
Dawn Johnstone, John Johnstone, Patricia Loening,  
William Loening, Mercedes Sumba, Samuel Sumba,  
Eugene Hipsman, Kathleen Hipsman, Georgina Cabrera,  
Denise Perez, Felix Perez, Evelyn Riera, Freddie  
Noboa, Silvia Noboa, William Serpe, Solvieg McAuley,  
Stacey O'Rourke, Kevin O'Rourke, Alice Norkevich,  
Frank Norkevich, Joann Mussillo, Joseph Mussillo,  
Blasina Ortega, Raul Ortega, Catherine Massab,  
Michael Greene, Jennifer Vowinkel, Lawrence  
Vowinkel, Brian Glacken, Kimberly Carlo, Peter Carlo,  
Kevin Calzadilla-Marino, Marisol Calzadilla-Marino,  
Salvatore Dantone, Frank Stark, Pamela Stark, Conte  
Cutting, Sonya Cutting, Evelyn Lillis, Steven Lillis,  
Charlotte Lipson, Ronnie Lipson, Christine Pierre,  
Frank Faivre, Maryellen Faivre, Angel Hualpa, John  
Fiorella, Ana Weeks, Raul Weeks, Andrew Dunaway,  
Kevin Bartolomew, Maria Bartolomew, Kathleen  
Dallas, Kevin Dallas, Josephine Genovese, Peter  
Genovese, Daniel Joyce, Clifford Kartell, Susan Kartell,  
Edgar Lugo, Minerv A. Lugo, Frank McCullagh, Rose  
McCullagh, Patricia Meade, Rory Meade, Chandidas  
Potopsingh, Lorraine Potopsingh, Andy Saladeen,

Semoy W. Saladeen, Joseph Selesky, Sharon Selesky,  
Mark Sillaro, Monico Sillaro, Louis Vaccaro, Sean  
Keary, Daniel Fucella, Maria Fucella, Robert J.  
McGrory, Houssain Lazaar, James Romano, Jack J.  
D'Elia, Helene Wolf, Timothy Wolf, Jeff Campion, Jose  
Polo, Janet M. Kelleher, Michael Kelleher, Daniel  
Black, Norma Black, Maura Farrell, Robert Farrell,  
Gregory Harris, Yvonne Harris, Alexander Chorny,  
Carlton Graham, Kevin Hickey, Rosario Hernandez,  
Salvatore Fradella, Ralph Carmine, Fran Martin, Luis  
Maranso, Fred Manzolillo, Thomas Primo, Vito  
Ribaudo, Luis Ramos, Brian O'Connor, Kathleen  
O'Connor, Douglas Kenah, Janet Kenah, Andrea Pryce,  
Mary Ann Thompson, Victor Thompson, Jo Anne  
Kissane, Patrick Kissane, Michael Chambers, Gerald  
Hill, Valerie Hill, Dennis Luria, Susan Luria, Anthony  
Rotondi, Nicoletta Rotondi, Keith Mazzeo, Louis  
Camerada, Leroy Jonas, Roberta Jonas, Paul Pasqua,  
Thomas McMahon, Margaret Armagno, Daniel  
Armagno, Dawn Marie Sorber, Paul Sorber, Scott  
Lepre, Maria Asher, Thomas Asher, Ivan Petters, Derek  
Williams, Sharon Williams, Lawrence Wallace,  
Margaret Wallace, Brian Verardi, Jennifer Verardi,  
Chyrell Wells, David Wells, Edward Patterson, Patricia  
Patterson, Tonya Palmer, Carmen Velez, Jimmie White,  
Vincent Viola, Daine Villa, John Villa, Donna Masseria,  
Matthew Masseria, John Maglione, Joseph Maglione,  
Eric Saxon, Gaetano Messina, Maria Messina, Francine  
McInerney, Timothy McInerney, Donna Loughran,  
Patricia Loughran, Joseph Bellisimo, John Bianco, Isaac  
Hernandez, Angel Cruz, Eugene Harris, Yolanda  
Harris, Carole R. Klein, Glen Klein, Jose Ruiz, Edgardo  
Collazo, Shante Bueford, Terrance Bueford, Lawrence  
Bilicki, Mamcyhi Bilicki, Jill Maier, Henry  
Hachemeister, John Mailot, Tammy Mailot, Eileen  
Beaury, William Beaury, Donald Kiniry, Georgene  
Shanahan, Michael Shanahan, Joseph Hardy, Andrew  
Powell, Amy Caradonna, Melchiorre Caradonna,  
Edward R. Pecoroni, June Pecoroni, Michael Basmagy,  
Barbara Thomas, Jevon Thomas, Kevin P. O'Malley,  
John Dunne, Marie Barry, Thomas J. Barry, Matthew  
Mulahm, James F. Albach, Daniel Willett, Lovella  
Willett, Theresa Cosgrave, Brigid Belford, John  
Belford, Kevin O'Malley, Philip Duncan, Virginia  
Duncan, Christopher M. Maloney, Jacqueline Maloney,

Jamal Williams, Camile Baker, William Baker, Jenifer Streng, Joseph Streng, Christopher Bacchi, Jose Bacchi, Fred LaFemina, Robin LaFemina, Lisa D. Maitland, Noel Maitland, Cynthia Dellaporta, Michael D. Dellaporta, Judith Longa, Thomas Longa, Julio C. Rosario, April Rojas, Carlos Rojas, Anita Thomson, Dennis Thomson, Arnold Hardman, Sharon T. Hardman, Christopher Ryan, Erin P. Ryan, John Rodelli, Kathy Rodelli, Dorothy Cunningham, Tom Cunningham, Augustine Sciabarassi, Patricia Sciabarassi, James Tierney, Mary Tierney, Thad Todd, Detective, Anthony P. Roy, Donna Roy, Nicholas Morrone, Robert Kenavan, Veronica Kenavan, Ariel James, Ava James, Belinda Gonzalez-Ruane, Tye Butler, Peter Cooper, Maria Cooper, Joseph M. Urso, Bruce Gerrie, Debra A. Gerrie, Kevin Barry, Lorraine Barry, Keith Richards, Teresa Arca, William Ziegelmeir, Patrick Desarlo, Noreen Desarlo, Antoinette Cacovic, Alexander Cacovic, William Geer, Randy S. Brenner, Andrew Porazzo, Pawel Krasko, Denise DeAngelis, Karen Doty, Ricard Doty, James Arca, Marion Slawinski, Marie Slawinski, Joanne William, Dreu Williams, Eugene Dalton, Nan Dalton, Richard Eulie, Yvonne Eulie, Michael Briskie, Silva Briskie, Steven Kepley, Michael Gentile, Nurul Amin, Mark DeMauro, Gina MeMauro, Daphna Blacksea, Victor DiPierro, Lucy DiPierro, Robert Coletti, Phylis Coletti, Marco A. Mendoza, Carolina Mendoza, Peter Tartamella, Frances Tartamella, Michael Sullivan, Jennifer Sullivan, Christopher Wanker, Meghan Wanker, Bill Cavanaugh, Margaret Cavanaugh, Raymond Denninger, Vicki Denninger, Thomas Dawber, Anna-Marie Dawber, Jaime Cruz, Katherine Cruz, Ralph Madonna, Michael Restagno, Maria Restagno, Colin Byrne, Christopher Dowd, Barbara Dowd, Paul Jaeger, Carolyn Jaeger, Kenneth Quest, Susan Quest, Anna Abad, Aly Abdelrehim, Hala Abdelrehim, Leonard Abruzzese, Caryn Abruzzese, Albert Acierno, Holly Acierno, Peter Acquaro, Kathleen M. Acquaro, Giuseppe Acquista, Robert Adams, Lahissi Adetayo, George Affatato, Lois E. Affatato, Emmanuel Agostini, Calogero Agro, Rosa Agro, Carmelo Agro, Steven Agugliardo, Nicole Agugliardo, Robert Aguirre, Patricia Aguirre, Inderpaul Ahluwalia, Manjeet Ahluwalia, Nasar Ahmed, Okpara Akil, Ronnita Akil, Vivencia Alaimo, Serafina Alaimo,

Anthony Albert, Sylvester Alexander, Debora  
Alexander, Victor Alexander, Geraldine Alexander, Jane  
Alfano, Darren Alicea, Clifford Allen, Josephine Allen,  
Kevin Allen, June Allison, Raul Allivar, Anthony  
Alloggio, Catherine Alloggio, Orlando Almodovar,  
Julio Alonzo, Neil Alper, Jorge E. Alulema, Robert  
Alvarado, David Alvarado, Sonia Alvarado, Lynn  
Alvarez, Doria S. Alvarez, Jaime Alvarez, Maria  
Alvarez, Carlos Alvarez, Saul Alvarez, Santiago Alvear,  
Jorge Alvlema, Glenda Ammon, Louis Ancona,  
Anthony Anderson, Orenthal Anderson, Gregory  
Anderson, Nicole Anderson, Joseph Anderson, Andrea  
Anderson, Mortimer Anderson, Camile Anderson,  
Courtney Anderson, Mark Andrus, Pino Anselmo, Rita  
Anselmo, Stewart Anspach, Nick Antico, Anna Antico,  
Peter Antienne, Evanie Antine, Richard Antonacci,  
Robert Anzalone, Ann Marie Anzalone, Joseph  
Anzueta, Jose Aponte, Noemi Aponte, Vincent Aprea,  
Krista Aprea, Courtney Aquart, Lillieth Aquart, John  
Arciuolo, Celia Arciuolo, Arenas Arenas, Jhonson  
Arichabala, Dagoberto Aristizabal, Alexandra  
Aristizabal, Enid Aristizabal, Joseph Arlotta, Kimberely  
Arlotta, Thomas A. Arlotta, Romulo Armas, Claude  
Armstrong, Laura Armstrong, Danny Aroyo, Theresa  
Arroyo, Lisa Asaro, Joseph Asciolla, Francine Asciolla,  
Wilmer Astudillo, Maria I. Astudillo, Marcelo Atiencia,  
Frank Auditore, John Auer, Jules Auguste, Clyde  
Augustine, Portia Augustine, Fitzroy Augustus, William  
Ausby, Thomas Avery, Linda Avery, David Aviles,  
Anna Aviles, Lawrence Ayers, Patricia Ayers, Victor  
Azubike, Tekrisha Azubike, Thomas Bacchi, Irene  
Bacchi, Fabiola Baez, Raul Baez, James Bahrey,  
Lauranne Bahrey, Santo Baisi, Alfred Baker, Candiace  
Baker, Chris Balabous, Rosanne Baldo, Krishendath  
Baliraj, Olga Baliraj, Joseph Barbato, Joseph Barbera,  
Virginia Barbosa, Stalin F. Barccoulong, Michael  
Barker, Raymond Barksdale, Elizabeth Barksdale,  
Andrew Barone, Ann Marie Barone, Sergio Barragan,  
James Bartlet, Yudelka Bartlet, Guillermo Barzola,  
Wilbert Bascom, Setna Bascom, Anthony Basic,  
Thomas Basmagy, Nancy Basmagy, Harry Bass, Maria  
L. Bass, Julio Bastidas, Max Bataille, Jr., Linda Battle,  
Richard Battle, Frank Bauman, Alise L. Bauman,  
Christopher A. Bauman, Hanfort Bautista, Patrick J.  
Beatty, James Beck, Christine Beck, Paul Beck, Tinel

Bedford, Leonard Beecher, Fanny Bejarano, Theodore Belgrave, Amy Beller, Timothy Bellew, Kathleen A. Bellew, Dimitrios Bellos, Martin Belmonte, Eileen Belmonte, Xavier Beltran, Florinda Benavidez, Lori Bencivenga, Thomas L. Bencivenga, Rose Marie Bencivenga, John Benedetto, Theresa Benedetto, Vinny Benenati, Cindy Benenati, Andrew Benfante, Shirley Benfante, Reynaldo Benitez, Richard Benn, Ann Benn, Carlos Bennett, Donna Bennett, Peter Bergin, Susan Bergin, Erick Bermudez, Frank Beshears, Diane Bethea, Idris Bey, Michael Bianchino, James A. Bianco, Terry Bianco, Vito Bianco, James Bieselin, Lorraine K. Bieselin, Joseph F. Biella, Roseann Bilella, Robert Bilella, Maureen Bilella, Vincent Bilella, Martin Bilinski, Catherine Bilinski, Kampta Bishun, Hassena Bishun, Peter Bishun, Elizabeth Bishun, John Black, Patricia Black, Joseph Black, Veronica E. Black, Leon L. Blackwell, Jorge Blanco, Dora Blanco, Leroy Blount, Eleanore Blount, Thomas Blumbergs, Kevin Bobe, Nicholas P. Bolobanic, Joy H. Bolobanic, Anthony Bombace, Jean Bombace, Jay Bomser, Daniel Bonanno, Frank E. Bondeson, Kathleen Bondeson, Edward Smith, Dennis M. O'Connor, Nicholas Lusuriello, Thomas M. Flanders, 22 Non-Resp, Darlene Montalvo, Paula Raehse, Daniel DeGiovine, Joette DeGiovine, All Plaintiffs, Harold Valencia, Natalie Valencia,

Plaintiffs,

City of New York, AMEC Construction Management, Inc., AMEC Earth & Environmental, Inc., Bovis Lend Lease LMB, Inc., Evergreen Recycling of Corona (E.R.O.C.), Turner/Plaza, A Joint Venture, A Russo Wrecking, Inc., Plaza Construction Corp., Atlantic-Heydt Corporation, Tully Construction Co., Inc., Turner Construction Company, Berkell & Company Contractors, Inc., Big Apple Wrecking & Construction Corp., Board of Education of the City of New York, Breeze Carting, Inc., Breeze National, Inc., Brer-Four Transportation, Buro Happold Consulting Engineers, PC, C.B. Contracting Corp., Canron Construction Corp., Component Assembly Systems, Inc., Cord Contracting Co., Inc., Dakota Demo-Tech, Diamond Point Excavating Corporation, Diversified Carting, Inc., DMT Enterprise, Inc., E. J. Davies, Inc.,

Eagle One Roofing Contractors, Inc., En-Tech Corporation, Ewell W. Finley, P.C., Executive Medical Services, P.C., Fleet Trucking, Inc., Francis A. Lee Company, FTI Trucking Corp., Gilsanz Murray Steficek, LLP, Goldstein Associates Consulting Engineers PC, Hallen Welding Service, Inc., HP Environmental, Inc., Hudson Meridian Construction Group LLC, J.P Equipment & Rental Materials, L.L.C., La Strada General Contracting Corp., Laquila Construction, Inc., Leslie E. Robertson Associates , R.L.L.P., Liberty Mutual Insurance Company, Lockwood Kessler & Bartlett, Inc., MRA Engineering P.C, Mueser Rutledge Consulting Engineers, Nacirema Industries Inc., Manafort Brothers Incorporated, New York City School Construction Authority, New York Crane & Equipment Corporation, Nicholson Construction Company, Peter Scalmandre and Sons, Inc, Pinnacle Environmental Corporation, Pro Safety Services Inc., PT&L Contracting Corporation, Robert L. Gerosa, Inc., Robert Silman Associates, P.C., Moretrench American Corp., Rodar Enterprises, Inc., Royal GM Inc., SAB Trucking, Inc., Safeway Environmental Corporation, Semcor Equipment & Manufacturing Corporation, Silverite Contracting Corporation, Simpson Gumpertz & Heger, Inc., Skanska Koch, Inc., Skidmore Owings and Merrill, L.L.P., The City University of New York, Thornton Tomasetti, Inc., Total Safety Consulting, LLC, Tucci Equipment Rental Corporation, Vollmer Associates LLP, Weeks Marine, Inc., Weidlinger Associates P.C., Wolkow Braker Roofing Corporation, WSP Cantor Seinuk, Yannuzzi & Sons, Inc., Yonkers Contracting Company, Inc., Lucius Pitkin, Inc., LZA Technology, a division of Thornton Tomasetti, Mazzocchi Wrecking, Inc., New York City Department of Education,

Defendants.

---

The parties in the above-referenced case have filed a stipulation withdrawing this appeal pursuant to Local Rule 42.1. Each party has submitted a separate electronically signed counterpart reflecting the negotiated terms of the stipulation.

The stipulations are hereby "So Ordered".

For The Court:

Catherine O'Hagan Wolfe,  
Clerk of Court

  


A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

  
